

and therefore its use in the hose according to the Kakiuchi et al patent would be obvious to one of ordinary skill in the art. Reconsideration of this rejection in view of the following comments is respectfully requested.

Before discussing the rejection in detail, a brief review of the presently claimed invention may be quite instructive. Specifically, the fuel hose according to independent claim 1 has a laminate structure comprising an innermost layer formed with "a rubber blend of an acrylic rubber and an acrylonitrile-butadiene rubber in which acrylonitrile is present in a proportion of 15 to 30 wt%," and a fluororesin layer formed on a peripheral surface of the innermost layer. The fuel hose according to independent claim 5 has a laminate structure comprising an innermost layer formed with "an acrylic rubber having a skeleton derived from acrylonitrile in its molecular skeleton," and a fluororesin layer formed on a peripheral surface of the innermost layer. It is submitted that such a fuel hose is not taught or suggested by the patents to Kakiuchi et al and Coran, whether taken singly or in combination.

More particularly, it was argued in the last response that:

(1) The Kakiuchi et al patent fails to teach an innermost layer for a hose of a composition (A) as claimed in claim 1 which includes an acrylic rubber (ACM). Also, it was urged that the Coran patent does not supply this deficiency as it merely discloses

techniques relating to a blend composition, and does not suggest the use of such a blend composition in a hose. In so doing, it was noted that the Coran patent teaches the blend composition has good properties in connection with hot-oil resistance, oxidative aging resistance and resistance to ozone, which would not suggest to one of ordinary skill that such composition could be incorporated into a hose according to the Kakiuchi et al patent.

(2) Neither patent teaches a hose with the composition (B) as defined by independent claim 5 having an innermost layer formed with an acrylic rubber having a skeleton derived from acrylonitrile in its molecular skeleton.

The above arguments were responded to in the subject Action. In particular with respect to argument (1), it was asserted that the innermost layer of the hose according to the Kakiuchi et al patent is a composition which includes NBR and, since the Coran patent discloses a blend composition of NBR and ACM, the use of this blend in a hose would be suggested. In support of the latter, it was asserted that the disclosed properties of the blend according to the Coran patent of heat resistance and resistance to ozone are needed in the hose of the Kakiuchi et al patent.

In response to the position (1) taken in the most recent Action, it is noted that the asserted properties of the blend according to the Coran patent as to (a) heat resistance and (b) ozone resistance are not entirely accurate and thus the teachings of this patent

may have been mischaracterized in the Action. Specifically, the Coran patent does not teach (a) heat resistance for the disclosed blend composition. Rather, the disclosure of the Coran patent is directed to hot-oil resistance and hot air resistance, neither of which strictly are the same as heat resistance. In particular, the disclosure at lines 63-68 of col. 8 regarding Example 1 indicates that hot-oil resistance is a measure of oil-swelling resistance. Also, the disclosure at lines 1-9 of col. 9 regarding Example 1 indicates that hot-air resistance is a measure of oxidative aging resistance.

On the other hand, important properties for the hose of the Kakiuchi et al patent which is to be used as a hose for automotive fuel piping are set forth in lines 1-11 of col. 2 and lines 21-38 of col. 6 thereof. Specifically, it is taught that these properties are flexibility and attainment of bonding to a rubber layer with satisfactory strength to provide a sealing effect by vulcanization bonding without any surface treatment.

Thus, it is submitted that such properties do not include hot-oil resistance, oxidative aging resistance and resistance to ozone. Further, it is urged that such properties would not suggest to one skilled in the art that a blend composition according to the Coran patent would be advisable for use in a hose according to Kakiuchi et al patent, since the disclosed properties of the blend according to the Coran patent of hot-oil resistance, oxidative aging resistance and resistance to ozone are not properties which are desired or needed in the hose according to the Kakiuchi et al patent. Therefore, it would not have been obvious to

one skilled in the art to use the composition of the Coran patent in the hose of the Kakiuchi et al patent in order to obtain the present invention.

As to argument (2), it was asserted in the subject Action that the blend composition according to the Coran patent containing ACM inherently would have a skeleton derived from acrylonitrile in its molecular skeleton.

In response, it is clearly shown in the subject specification that the "ACM having a skeleton derived from acrylonitrile in its molecular skeleton" according to the present invention is a novel acrylic polymer obtained by copolymerizing an acrylic monomer and acrylonitrile, namely, poly(acrylate-co-acrylonitrile), which is different from the blend composition as disclosed in the Coran patent. Therefore, the assertion contained in the Action with regard to argument (2) that such a structure would be inherent is not correct.

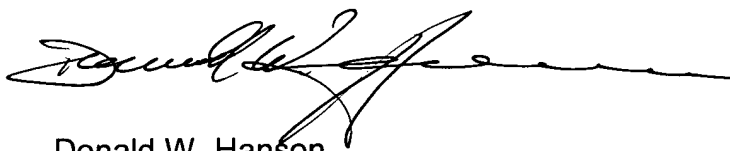
For the reasons stated above, withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 1 through 8 over the cited patents are respectfully requested.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

The Commissioner is authorized to charge our Deposit Account No. 01-2340 for any fee which is deemed necessary by the Patent and Trademark Office to be required to effect consideration of this statement.

Respectfully submitted,

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